

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **November 17, 2005**, at 10:00 a.m.
in the Lanterman Auditorium, 4491 Cornishon Avenue,
La Cañada Flintridge, CA 91011.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **November 17, 2005**, following the Public Meeting
in the Lanterman Auditorium, 4491 Cornishon Avenue,
La Cañada Flintridge, CA 91011.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **November 17, 2005**, following the Public Hearing
in the Lanterman Auditorium, 4491 Cornishon Avenue,
La Cañada Flintridge, CA 91011.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

STEVEN L. RANK, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **November 17, 2005**.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 20
Section 1635(b) and New Section 1635(c)
Floor Openings (Steel Framed Buildings)

A description of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 20
Section 1635(b) and New Section 1635(c)
Floor Openings (Steel Framed Buildings)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action is initiated as a result of a Division of Occupational Safety and Health (Division) memorandum and Cal/OSHA Form 9-047, Request for New, or Change in Existing, Safety Order, dated June 22, 2005. In addition to the extensive steel erection provisions contained in the CSO, Section 1710, "Structural Steel Erection," the standards contained in CSO, Section 1635(b), provide additional Title 8 requirements for structural steel framed buildings erected in tiers or stories that are consistent with statutes in the California Labor Code, Sections 7250 through 7267. Proposed amendments for Section 1635(b) ensure that references to fall protection requirements include Section 1710 which contains requirements such as various trigger heights for the use of fall protection that are unique to steel erection construction.

Sections 1635(b) and 1710 require, among many other provisions, that the derrick or erection (working) floor of multistory buildings be solidly decked over except for access openings. Planking and decking must be secured against displacement by strong winds or other forces.

CSO, Section 1632(b) is applicable for the protection of floor openings where steel erection is taking place and requires that floor openings shall be guarded by either railings and toeboards, or by covers. Section 1632(b) also requires that floor opening covers be capable of safely supporting the greater of 400 pounds or twice the weight of the employees, equipment and materials that may be imposed on the cover. Section 1632(b) also provides that covers be secured in place, and bear a pressure sensitized, painted, or stenciled sign with legible letters not less than one inch high, stating: "Opening—Do Not Remove."

However, the Division states that there are steel erection work phases during which floor opening covers have to be repeatedly removed for welding, bolting, inspection, or for other intermittent access needs, and it is impractical to keep them bolted or otherwise affixed to the floor. Therefore, proposed amendments in this rulemaking action include a new Section 1635(c) to address the placement and removal of covers when work of this nature is taking place.

Section 1635. Floors, Walls and Structural Steel Framed Buildings.

The provisions in Section 1635 address the installation of temporary flooring and structural stability of buildings under construction including certain fall protection criteria during the construction of multifloor buildings. Subsection (a) is applicable to multifloor buildings other than structural steel framed buildings and subsection (b) is applicable to structural steel framed buildings more than two stories high that are erected in tiers or stories and does not apply to steel framed buildings having large open spans such as auditoriums and gymnasiums.

Section 1635(b)(2).

Existing subsection (b)(2) states that there shall be a tight and substantial temporary floor within two floors below and directly under that portion of each tier of beams on which erection, riveting, bolting, welding or painting is being done. For operations of short duration of exposure to falling, fall protection shall be required as set forth in Article 24. An amendment is proposed to include that fall protection shall be required as set forth in Article 24 and Section 1710. This amendment would have the effect of clarifying that the fall protection requirements specific to the vertical standard for structural steel erection activity, Section 1710, that includes trigger heights when fall protection is required, is applicable to subsection (b)(2).

Section 1635(b)(8).

Existing subsection (b)(8) states that floor planks that are temporarily removed for any reason whatsoever shall be replaced as soon as work requiring their removal is completed or the open area shall be properly guarded. The intent of this subsection is to mitigate the fall hazards created when floor planking removal creates openings in the floor. An amendment is proposed that would make this standard also applicable to metal decking that is temporarily removed. Metal decking is used more frequently on current steel erection job sites than planking. The effect of this amendment would be to ensure that employees are afforded the same protection from falling through floor openings and spaces created not only by the removal of planking, but also by the removal of metal decking.

Section 1635(b)(9).

Existing subsection (b)(9) requires that prior to the removal of temporary floor planks, employees shall be instructed by assigned supervision the steps to be taken to perform the work safely and in proper sequence. An amendment is proposed that would also make the provisions of this subsection applicable to the removal of metal decking. The effect of this amendment would be to ensure that the employees receive instructions to protect them from the fall hazards created not only by the removal of planking, but also by the removal of metal decking.

Section 1635(b)(11).

Existing subsection (b)(11) states when gathering and stacking temporary floor planks from the last panel, the steel erector's personnel assigned to such work shall be protected by a personal fall protection system used in accordance with Article 24. A proposed amendment references Section 1710. This amendment is similar to that proposed for subsection (b)(2) and would have the effect of clarifying that the fall protection requirements specific to the vertical standard for structural steel erection activity, Section 1710, that includes trigger heights when fall protection is required, is applicable to subsection (b)(11).

Section 1635(b)(14).

Existing subsection (b)(14) requires that personal fall protection and nets shall be required in accordance with Article 24. A proposed amendment references Section 1710. This amendment is similar to that proposed for subsections (b)(2) and (b)(11) would have the effect of clarifying that the fall protection requirements specific to the vertical standard for structural steel erection activity, Section 1710, that includes trigger heights when fall protection is required, is applicable to subsection (b)(14).

Section 1635(b)(15).

Existing subsection (b)(15) states that no person shall proceed with any work assigned to or undertaken by him, or require or permit any other person to proceed with the work assigned to or undertaken by either, unless the planking or nets required by this article are in place. An amendment is proposed to delete the gender reference and other unnecessary language in the standard. An additional amendment is proposed to include reference to metal decking to ensure that metal decking must also be in place before proceeding with assigned work. This proposal will have the effect of eliminating unnecessary language and ensures that planking, metal decking or nets, where required, are in place before work proceeds.

New Section 1635(c).

New subsection (c) is proposed to address special provisions applicable to floor openings. This proposed subsection states that Section 1632(b) applies to floor openings at locations where steel erection work is taking place, except where work in progress requires floor openings to be uncovered. For such work, the standard provides a number of requirements outlined in proposed subsections (c)(1) through (c)(7). The effect of this proposed new standard would permit floor opening covers to be removed for work in progress that requires access to floor openings provided that all the following provisions of this subsection are met.

New Section 1635(c)(1).

Proposed new subsection (c)(1) would require that the floor or working level where such work is in progress shall be barricaded to prohibit entry by unauthorized personnel and shall be under the exclusive control of the steel erection employer. The effect of this proposed new standard would be to limit access to any floor opening to only authorized persons under the supervision of the steel erection employer.

New Section 1635(c)(2).

Proposed new subsection (c)(2) would require that the floor adjacent to floor openings shall be barricaded or the floor opening shall be covered when not attended by steel erection personnel. The effect of this proposed new standard would be to protect employees from inadvertently falling through a floor opening.

New Section 1635(c)(3).

Proposed new subsection (c)(3) would require that all planking and other materials used to cover floor openings shall be capable of safely supporting the greater of 400 pounds or twice the weight of the employees, equipment and materials that may be imposed on any one square foot area of the cover at any time. The cover shall have not less than 12 inches of bearing on the surrounding structure. The effect of this proposed new standard would be to ensure that covers have the strength and sufficient bearing on the surrounding structure to protect the opening.

New Section 1635(c)(4).

Proposed new subsection (c)(4) would require all floor opening covers to bear a sign stating, "OPENING-DO NOT REMOVE", in 2 inch high, black bold letters on a yellow background. The effect of this new provision is to provide a conspicuous warning to employees to keep covers in place.

New Section 1635(c)(5).

Proposed new subsection (c)(5) would require the placement of covers to be verified by a qualified person prior to each shift and following strong wind conditions. The effect of this new provision is to ensure that covers are appropriately in place to mitigate any hazard from a floor opening.

New Section 1635(c)(6).

Proposed new subsections (c)(6)(A) and (B) would require that workers be instructed and required to, 1) keep covers in place when not engaged in work requiring the opening to be uncovered, and 2) never remove a cover by walking forward or by stepping into an area where they cannot directly observe the surface their feet will touch. The effect of this proposed new standard would be to ensure employees receive instructions and follow safe procedures when covers are removed.

New Section 1635(c)(7).

Proposed new subsection (c)(7) would require that after work requiring floor openings to be uncovered has been completed and prior to allowing other trades in the work area, the guarding and covers for floor openings must meet the provisions of Section 1632(b). The effect of this proposed new standard would be to protect workers from fall hazards created by floor openings.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. This proposal clarifies existing requirements and outlines procedures for protecting workers from fall hazards during work in progress in steel erection activities that require access through floor openings.

COST ESTIMATES OF PROPOSED ACTION

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Also, see the statement above under the heading "Specific Technology or Equipment."

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, these standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. Also, see the statement under the heading "Specific Technology or Equipment."

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than November 11, 2005. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on November 17, 2005, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

STEVEN L. RANK, Chairman

NOTICE OF ADOPTION OF REGULATIONS
INTO TITLE 8, CALIFORNIA CODE OF REGULATIONS
BY THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

After proceedings held in accordance with and pursuant to the authority vested in Sections 142, 142.3 and 142.4, of the Labor Code to implement, interpret, or make specific, the Occupational Safety and Health Standards Board, by a majority vote, adopted additions, revisions, or deletions to the California Code of Regulations as follows:

1. Title 8, Chapter 4, Subchapter 4, Construction Safety Orders, Article 4, Sections 1529 and 1535; Subchapter 7, General Industry Safety Orders, Article 109, Sections 5190 and 5210; and Subchapter 18; Ship Building, Ship Repairing and Ship Breaking Safety Orders; Article 4; Section 8358; Exposure and Control Method Notification Requirements for Asbestos, Methylenedianiline, Vinyl Chloride and Cotton Dust.

Heard at the May 19, 2005, Public Hearing; adopted on June 16, 2005; filed with the Secretary of State on July 28, 2005; and became effective on July 28, 2005.

2. Title 8, Chapter 4, Subchapter 2, Boiler and Fired Pressure Vessel Safety Orders, Article 5, Section 770, Boiler Inspections.

Heard at the May 19, 2005, Public Hearing; adopted on June 16, 2005; filed with the Secretary of State on August 2, 2005; and became effective on September 1, 2005.

3. Title 8, Chapter 4, Subchapter 13, Logging and Sawmill Safety Orders, Article 1.5, Section 6251, First Aid Requirements for Fixed Sawmill Operations.

Heard at the January 20, 2005, Public Hearings; adopted on June 16, 2005; filed with the Secretary of State on August 9, 2005; and became effective on September 8, 2005.

4. Title 8, Chapter 7, Subchapter 21, Telecommunication Safety Orders, Article 1, Section 8615, Fall Protection for Telecommunication Workers.

Heard at the April 21, 2005, Public Hearing; adopted on June 16, 2005; filed with the Secretary of State on August 10, 2005; and became effective on September 9, 2005.

5. Title 8, Chapter 4, Subchapter 7, General Industry Safety Orders, Article 10, Section 3395, Heat Illness Prevention (Emergency Standard).

Adopted on August 12, 2005; filed with the Secretary of State on August 22, 2005; became effective on August 22, 2005; and expires on December 21, 2005.

A copy of these standards are available upon request from the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721.

If you have Internet access, visit the Occupational Safety and Health Standards Board by going to: <http://www.dir.ca.gov/oshsb> and follow the links to the Standards Board. This information is updated monthly. The Standards Board's e-mail address is: oshsb@dir.ca.gov.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD